

1 Jacob B. Lee  
2 Nevada Bar No. 012428  
3 Jamie D. Guzman  
4 Arizona Bar No. 022095  
5 (*admitted pro hac vice*)  
STRUCK LOVE BOJANOWSKI & ACEDO, PLC  
6 3100 West Ray Road, Suite 300  
Chandler, Arizona 85226  
Telephone: (480) 420-1600  
Fax: (480) 420-1695  
JLee@strucklove.com  
JGuzman@strucklove.com  
7  
8 Gina G. Winspear  
9 Nevada Bar No. 005552  
DENNELL WINSPEAR, LLP  
10 3301 North Buffalo Drive, Suite 195  
Las Vegas, Nevada 89129  
Telephone: (702) 839-1100  
Fax: (702) 839-1113  
GWinspear@dennettwinspear.com  
11

12 *Attorneys for Defendants Thomas,  
Fuller, Williams, and CoreCivic*  
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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 GEORGE L. VONTRESS,

17 Plaintiff,

18 v.

19 STATE OF NEVADA, et al.,

20 Defendants.

Case No. 2:18-cv-01746-RFB-BNW

**CORECIVIC DEFENDANTS' RESPONSE  
REGARDING MOTION FOR LEAVE TO  
FILE UNDER SEAL**

21 Pursuant to the Court's Orders (ECF Nos. 298, 301), Defendants Thomas, Fuller, Williams,  
22 and CoreCivic (collectively, "CoreCivic Defendants"), through counsel, respond in connection with  
23 their Motion to Seal Exhibit 4 of their Motion for Summary Judgment (ECF No. 270).  
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25 The CoreCivic Defendants requested to file Exhibit 4 of their Motion for Summary  
Judgment under seal because it exclusively contains Plaintiff's medical and mental health records.  
26 (ECF No. 270.) The CoreCivic Defendants did so in due diligence to any obligations to safeguard  
such information pursuant to the Health Insurance Portability and Accountability Act of 1996  
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28

1 (“HIPAA”). Defendants also sought to protect, to the extent possible, Plaintiff’s sensitive and  
 2 private medical information from public exposure and to avoid potential security risks to Plaintiff  
 3 that having such information available in the public domain poses while he is still in a secure prison  
 4 environment (such as, for example, another inmate learning Plaintiff’s medical history and using it  
 5 to intimidate, threaten, or coerce Plaintiff).

6         The Court denied the CoreCivic Defendants’ motion to seal and ordered that, if Defendants  
 7 wished to renew the motion, it must be filed by July 19, 2021, or the exhibit would be unsealed.  
 8 (ECF No. 298.) Because the Court noted that Plaintiff has put his medical condition and medical  
 9 care at issue in this case and that the majority of the records are related to the central issue in this  
 10 case, the CoreCivic Defendants did not renew their motion.

11         *Chester v. King*, 2019 WL 5420213 (E.D. Cal. Oct. 23, 2019), cited by the Court, appears  
 12 to be on-point. There, the defendants moved to seal medical records attached to their motion for  
 13 summary judgment that had been designated as “confidential” under the protective order in place.  
 14 Although the district court recognized that “[t]his court, and others within the Ninth Circuit, have  
 15 recognized that the need to protect medical privacy qualifies as a ‘compelling reason’ for sealing  
 16 records,” it nevertheless found that the defendants failed to show compelling reasons to seal the  
 17 particular records at issue, which the court considered to be relevant to the claims in the case.

18         The situation here is nearly identical. Plaintiff’s claims against the CoreCivic Defendants  
 19 are for deliberate indifference to medical needs. In their Motion for Summary Judgment, the  
 20 CoreCivic Defendants argued that Plaintiff received a comprehensive umbrella of medical and  
 21 mental health care at CoreCivic’s Saguaro Correctional Center, such that Plaintiff cannot prove that  
 22 they were deliberately indifferent to his medical needs.<sup>1</sup> (ECF No. 269 at 15–25.) The CoreCivic

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23         <sup>1</sup> Highly security-sensitive information such as dates of birth, Social Security numbers, and staff  
 24 first names in Exhibit 4 to the Motion for Summary Judgment have been redacted. First names of  
 25 correctional personnel are security-sensitive, privacy-protected information to which detainees at  
 26 CoreCivic’s facilities are not privy, and which are not divulged to current or former detainees in  
 27 order to protect the employees’ privacy and security. For example, first names do not appear on  
 28 correctional officer name badges. Putting staff members’ full names on the public docket, where  
 they can be seen by current and former inmates, many of whom are verified members of criminal  
 gangs, would endanger not only staff members, but their families as well. The potential safety risks  
 if staff members’ full names become public record in this matter outweigh the need for the public’s

1 Defendants moved for leave to file Plaintiff's medical records under seal to protect his medical  
2 privacy and avoid any potential HIPAA violations. Redactions to "non-relevant" information could  
3 not be satisfactorily made, however, as Plaintiff's entire record of care is related to the central issues  
4 in Plaintiff's Complaint.

5 For these reasons, the CoreCivic Defendants did not renew their Motion for Leave to File  
6 Under Seal. The CoreCivic Defendants defer to the Court's discretion whether Exhibit 4 should be  
7 unsealed.

8 RESPECTFULLY SUBMITTED this 12<sup>th</sup> day of August, 2021.

9 STRUCK LOVE BOJANOWSKI & ACEDO, PLC

10  
11 By /s/ Jamie D. Guzman  
12 Jacob B. Lee  
13 Jamie D. Guzman  
14 3100 West Ray Road, Suite 300  
15 Chandler, Arizona 85226  
16 JLee@strucklove.com  
17 JGuzman@strucklove.com

18 Gina G. Winspear  
19 DENNETT WINSPEAR  
20 3301 North Buffalo Dr., Suite 195  
21 Las Vegas, NV 89129  
22 GWinspear@dennettwinspear.com

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28 *Attorneys for Defendants Thomas, Fuller, Williams,  
and CoreCivic*

29  
30 **Order**

31 Having reviewed ECF No. 304, IT  
32 IS ORDERED that the Clerk of  
33 Court shall unseal ECF No. 271.

34 IT IS SO ORDERED  
35 DATED: 4:07 pm, December 08, 2021

36   
37 BRENDAG WEKSLER  
38 UNITED STATES MAGISTRATE JUDGE

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48 access to that information. (See, e.g., Doc. 137, *Freitas v. Thomas*, No. CV-13-01364-PHX-SRB  
49 (ESW), United States District Court, District of Arizona, at 3.)

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Aaron D. Ford  
Attorney General  
Henry H. Kim (Bar No. 14390)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
555 E. Washington Ave., Ste. 3900  
Las Vegas, Nevada 89101  
(702) 486-3095 (phone)  
(702) 486-3773 (fax)  
Email: hkim@ag.nv.gov

11                   *Attorneys for Defendants*  
12                   *Frank Dreesen, James Dzurenda,*  
                     *Dwight Neven, and Rene Pena*

I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

15 George Vontress (NDOC #96499)  
16 High Desert State Prison (HDSP)  
17 P.O. Box 650  
Indian Springs, Nevada 89070-0650

18 || Plaintiff Pro Se

/s/ Jamie D. Guzman